

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN SENATE APRIL 28, 2008

AMENDED IN ASSEMBLY JANUARY 17, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 990**

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**Introduced by Assembly Member Berg**  
**(Coauthors: Assembly Members Evans and Huffman)**  
(Coauthors: Senators Migden and Wiggins)

February 22, 2007

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An act to add Section 71.7.5 to the Harbors and Navigation Code, and to amend Sections 7 and 14 of Chapter 1617 of the Statutes of 1982, relating to harbors, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 990, as amended, Berg. Spud Point Marina.

(1) Existing law authorizes the loan payments on the loan for the planning, acquisition, construction, improvement, maintenance, or operation of the Spud Point Marina in Bodega Bay, administered by the Department of Boating and Waterways, to be renegotiated by the department and the County of Sonoma, with the advice and consent of the Boating and Waterways Commission, to solve the fiscal problems involving the marina, as specified.

This bill would authorize, *notwithstanding specified laws or any contract or agreement to the contrary*, the County of Sonoma to provide facilities at the Spud Point Marina for commercial, recreational, or other vessels, as specified. *The County of Sonoma would be required to maintain an advisory committee, as prescribed, for the Spud Point Marina.* The bill would also repeal certain requirements for the terms of the loan from the department, including that the loan be repaid in full.

The bill would make legislative findings and declarations as to the necessity of a special statute.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 71.7.5 is added to the Harbors and
- 2 Navigation Code, to read:
- 3 71.7.5. Notwithstanding any other provision of law ~~this chapter,~~
- 4 *Section 40 of this code, Section 30233 of the Public Resources*
- 5 *Code*, or any contract or agreement to the contrary, Sonoma County
- 6 may provide facilities at the Spud Point Marina for commercial,
- 7 recreational, or other vessels, in numbers that it determines
- 8 appropriate, subject only to the following:
- 9 (a) Sonoma County shall maintain an advisory committee for
- 10 the Spud Point Marina, *whose membership is representative of the*
- 11 *marina users*, and shall give the advisory committee at least 30
- 12 days' notice before changing any berthing rates at the Spud Point
- 13 Marina, and shall consider, but is not obligated to follow, any
- 14 recommendations of the advisory committee.
- 15 (b) Sonoma County may establish different berthing rates and
- 16 any other charges for commercial, recreational, or other vessels,
- 17 if the board of supervisors determines that the differing rates or
- 18 charges are in the public interest, and if any loans from the
- 19 department are outstanding, are necessary to provide revenue to
- 20 repay those loans. However, if any loans are outstanding, berthing
- 21 rates at the Spud Point Marina for recreational vessels shall not
- 22 exceed the highest rates charged for berthing within the Spud Point
- 23 Marina market area for recreational vessels.

SEC. 2. Section 7 of Chapter 1617 of the Statutes of 1982 is amended to read:

Sec. 7. Item 3680-101-516 of the Budget Act of 1982 (Chapter 326 of the Statutes of 1982) is amended to read:

3680-101-516—For local assistance, Department of Boating and Waterways, payable from the Harbors and Watercraft Revolving Fund ..... 17,999,000  
Schedule:

|   |            |
|---|------------|
| (a) Launching facility grants.....      | 3,283,000  |
| (1) Big Bear.....                       | 270,000    |
| (2) Discovery Park.....                 | 85,000     |
| (3) East Bay.....                       | 105,000    |
| (4) Elkhorn.....                        | 100,000    |
| (5) Eureka.....                         | 350,000    |
| (6) Floating restrooms.....             | 150,000    |
| (7) Ramp repairs.....                   | 100,000    |
| (8) Lake Morena.....                    | 350,000    |
| (9) Lake San Antonio.....               | 500,000    |
| (10) Morro Bay.....                     | 313,000    |
| (11) Moss Landing.....                  | 375,000    |
| (12) Oceanside.....                     | 55,000     |
| (13) Shelter Cove.....                  | 280,000    |
| (14) Vallejo.....                       | 250,000    |
| (b) Loans: Local Government.....        | 12,000,000 |
| (1) Balboa Yacht Basin.....             | 2,500,000  |
| (2) Diesel Street Marina.....           | 600,000    |
| (3) Downtown Shore.....                 | 600,000    |
| (4) Martinez Marina.....                | 300,000    |
| (5) Santa Cruz Harbor.....              | 600,000    |
| (6) Planning loans.....                 | 100,000    |
| (7) Cabrillo Beach Marina.....          | 4,000,000  |
| (8) Spud Point Marina.....              | 3,200,000  |
| (9) Emergency storm repairs.....        | 100,000    |
| (c) Boating safety and enforcement..... | 2,716,000  |

## Provisions:

1. The funds appropriated in category (b) are for loans to be made to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Boating and Waterways.
2. The funds appropriated in category (a) are for grants to cities, counties, districts, or other public agencies pursuant to Section 72.5 of the Harbors and Navigation Code to be used for construction and development of small craft launching facilities.
3. The funds allocated for boating safety and enforcement programs are pursuant to Section 663.7 of the Harbors and Navigation Code.
4. The funds appropriated in category (b) (9) are for allocation by the Director of Finance to provide for repairs, authorized by the Director of Finance, of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 72.5 of the Harbors and Navigation Code, caused by emergency conditions, including, but not limited to, tidal waves or severe storms, and for payment of deficiencies in appropriations for the Department of Boating and Waterways which may be authorized by the Director of Finance; the sum of \$100,000 or so much thereof as may be necessary, is appropriated from the Harbors and Watercraft Revolving Fund.
5. No funds appropriated for the Eureka launching facility in category (a) (5) shall be encumbered or expended unless and until an environmental impact report is completed and approved for the project.
6. No more than \$1,400,000 appropriated for the Spud Point Marina project by category (b) (8) shall be encumbered or expended unless and until the cash surplus in the Harbors and Watercraft Revolving Fund equals or exceeds \$100,000.
7. The funds appropriated in category (b) shall not be available for expenditure unless the Boating and Waterways Commission establishes the interest rate to be charged for 1982–83 fiscal year loans for public marina and harbor development at 7.9 percent.

1  
2 SEC. 3. Section 14 of Chapter 1617 of the Statutes of 1982 is  
3 amended to read:

4 Sec. 14. The Legislature finds and declares that the commercial  
5 fishing industry is involved with the public interest and that it  
6 directly affects the public health and welfare by providing food  
7 and jobs. The Legislature further finds and declares that the Spud  
8 Point Marina project is necessary for the long-term survival of the  
9 industry between San Francisco Bay and Fort Bragg, an area that  
10 depends economically on the industry, and that maximum  
11 cooperation and participation by state and local public agencies is  
12 necessary to develop the marina.

13 SEC. 4. The Legislature finds and declares that there are unique  
14 circumstances concerning the need to provide the County of  
15 Sonoma with the flexibility necessary to operate, manage, and  
16 maintain the Spud Point Marina under changed and changing  
17 circumstances recognized by the renegotiation of the loan contract  
18 between the Department of Boating and Waterways and the County  
19 of Sonoma, necessitating the enactment of the procedures contained  
20 in this act. It is therefore declared that a general law cannot be  
21 made applicable within the meaning of Section 16 of Article IV  
22 of the California Constitution, and that the special legislation  
23 contained in Sections 1, 2, and 3 of this act is necessarily applicable  
24 only to the County of Sonoma.

25 SEC. 5. This act is an urgency statute necessary for the  
26 immediate preservation of the public peace, health, or safety within  
27 the meaning of Article IV of the Constitution and shall go into  
28 immediate effect. The facts constituting the necessity are:

29 To solve the fiscal problems of the Spud Point Marina before  
30 permanent economic and financial damage occurs, it is necessary  
31 that this act take effect immediately.